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EXAMINER	
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte NAMIK HRLE, JEFFREY WILLIAM JOSTEN,
THOMAS MAJITHIA, and JAMES ZU-CHIA TENG

Appeal 2007-3001
Application 10/600,221
Technology Center 2100

Decided: February 19, 2008

Before HOWARD B. BLANKENSHIP, ALLEN R. MACDONALD, and ST. JOHN COURTENAY III, *Administrative Patent Judges*.

MACDONALD, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

This is an appeal under 35 U.S.C. §§ 6(b) and 134(a) from the Final Rejection of claims 1-33.

Exemplary claim 1 reads:

1. A database management system comprising:

a mainline database system that makes modifications to data in the database management system using a write-ahead logging protocol;

stores data on a first set of storage volumes and stores log records on a second set of storage volumes;

restores consistency between the log records and the data during a restart, and while a backup system lock is held by a backup utility, continues updating objects except for suspending actions that change an external file system catalog, suspending writing updates of objects that extend across a storage volume boundary; [1] and

freezing a REDO log point in checkpoint information while the backup system lock is taken by the backup utility.

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

Kawamaura	5,778,388	Jul. 7, 1998
Mosher	6,785,696 B2	Aug. 31, 2004

All appealed claims are rejected under 35 U.S.C. § 103(a) as being unpatentable over the combined teachings and suggestions of Kawamura and Mosher.[2]

The Examiner concludes that the combination renders claims 1-33 obvious. (Ans. 4-25.) Among other allegations, Appellants allege that the

[1] In our analysis *infra*, we refer to "suspending writing updates of objects that extend across a storage volume boundary" as the "exception requirement."

[2] Hereafter, we refer to the combination of Kawamura and Mosher as the "combination."

combination does not teach or suggest the exception requirement. (App. Br. 10-11 and 13.) We agree with Appellants.

Kawamura teaches that updating a database involves synchpoint acquisition. (Col. 1, ll. 17-22.) Kawamura teaches during a lock state of synchpoint acquisition, disabling input/output operations to external storages (col. 9, ll. 32-38) but *updating* a database in external storage during the *entire* synchpoint acquisition (col. 16, ll. 44-59 and figs. 23A-23C (depict database updates during synchpoint acquisition)). However, we find that Kawamura does not teach or suggest excluding updates that extend across a *storage volume boundary*. Moreover, we find that the portion of Kawamura relied on by the Examiner, namely column 9, lines 52-56, to teach the exception requirement (Ans. 5 and 19) refers to a counter of output pages but does not teach or suggest excluding updates that extend across a storage volume boundary. Accordingly, we find that Kawamura does not teach or suggest the exception requirement.

Mosher teaches performing a backup operation on the database of each backup node and undoing any transaction whose presence causes inconsistency between backup nodes and primary nodes. (Col. 2, ll. 37-45.) However, we find that Mosher does not teach excluding updates that extend across a storage volume boundary. Thus, we find that Mosher does not teach or suggest the exception requirement.

Therefore, we conclude that Appellants have shown that the Examiner erred in finding that the combination teaches or suggests the exception requirement. Accordingly, Appellants have shown that the Examiner erred

in rejecting claims 1-33 as unpatentable under 35 U.S.C. § 103(a) over the combined teachings and suggestions of Kawamura and Mosher.

We acknowledge that Appellants present other allegations of Examiner error. However, because Appellants have shown that the Examiner erred in finding that the combination teaches or suggests the exception requirement, we need not reach Appellants' other arguments to decide this appeal.

CONCLUSION OF LAW

On the record before us, we conclude:

(1) Appellants have shown that the Examiner erred in rejecting claims 1-33 as unpatentable under 35 U.S.C. § 103(a) over the combined teachings and suggestions of Kawamura and Mosher.

(2) On the record before us, claims 1-33 have not been shown to be unpatentable.

DECISION

The Examiner's rejection of claims 1-33 under 35 U.S.C. § 103(a) is reversed.

REVERSED

clj

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